

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 9327 of 2020**

- Ashwani Soni S/o Mitthulal Soni Aged About 19 Years R/o Lak Dbari Police Station Saleha District (Revenue And Civil ) Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Urla District Raipur (Revenue And Civil) Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**--Non-Applicant**

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|-------------------------|--------------------------------|
| For Applicant           | : Shri Sumit Jhawar, Advocate  |
| For Non-Applicant/State | : Ms. Ishwari Ghritlahre, P.L. |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**01/02/2021**

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 3.9.2020 in connection with Crime No.266/2020, registered at Police Station- Urla, Raipur District-Raipur(C.G.) for the offence punishable under Sections 294, 323, 506, 394/34 of the IPC.
3. Case of the prosecution is that on 8.8.2020 at about 10.30 pm when the complainant Durgesh Sahu was going on his Activa, three persons stopped him on the way and beaten him by stick and looted mobile and Active from him. Based on this, an offence has been registered against the applicant and he was arrested.
4. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that charge sheet has been filed and no offence is made out against the applicant

under the above mentioned Sections of the IPC, therefore, at this stage, he may be granted bail.

5. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that applicant along with two other accused persons has committed marpit and looted mobile and Active of the complainant. However, he accepts that there is no criminal antecedent of the applicant.
6. Having considered the submission made by learned counsel for the parties, the nature of allegations against the applicant; the detention period and no criminal antecedent is shown by learned counsel for the State and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
  - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
  - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
  - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
  - (d) he shall not involve himself in any offence of similar nature in future.

Sd/  
**(Gautam Chourdiya)**  
**Judge**